TL 599

Lisbon, 19 January 1993

Secretary General:

At a time when a human chain is being formed, linking the Apostolic Nuncio's Office with the U.N. Documentation Centre in Lisbon, we wish to bring your attention to a problem, which is on your agenda, and is of great interest to us: it concerns East Timor.

Since you took up office a year ago, the United Nations has dealt with the subject on several occasions. It was as a result of your decision, Secretary General, that Mr. Amos Wako went to Indonesia and East Timor as your Special Envoy, with the aim of obtaining clarification about the Santa Cruz massacre. It was also under the Secretary General's auspices, and with your personal intervention that the Foreign Ministers of Indonesia and Portugal met last September and December for informal talks with no pre- conditions, with a view to defining the format and form of future dialogue. We congratulate the efforts on your part to tackle this difficult assignment.

Other UN organs were also involved last year with the question of East Timor, notably, given its importance, the President of the Human Rights Commission's consensus statement, mainly urging the Indonesian Government "*to bring to trial and punish all those responsible*" for the 12 November massacre, to "*facilitate the access of further humanitarian as well as human rights organisations*" and to ensure that those Timorese who were "*not involved in any violent activity be released without delay*".

Excellency:

We now approach you as relatives, friends, or simply citizens concerned about the fate of hundreds (700, according to Amnesty International) Timorese who have been arrested in the past few months. Some are our children and brothers: we know nothing of their whereabouts, their well-being, or even if they are still alive. We do not know what they are being charged with, we are refused any verbal or written contact with them, and any legal, economic or humanitarian assistance is denied.

The few reports received, as well as, in certain cases, our personal experience, lead us to fear the worst of the wave of terror currently sweeping the territory. We are particularly concerned about the situation of Xanana Gusmão, head of the Maubere Resistence National Council, and leader of the resistence to Indonesia's brutal occupation for 17 long years of struggle and sacrifice, imprisoned now for exactly 60 days today. Held incommunicado for weeks, subjected to the most intense physical and psychological coercion (with practically all his family in detention), forced into a humiliating public show of "repentence", Xanana Gusmão will be "tried" by Indonesian justice in Dili, probably next February.

Sharing with you, Secretary General, and with the the majority of the community of nations, International Law's understanding that East Timor is a non-autonomous territory, and of which Portugal is the administrating power, we do not recognise the "trial" as legal in any sense. Xanana Gusmão and the other Timorese under arrest should be released. We still, however, demand that Indonesia respect the relevant rules contained in the Geneva Conventions, the Universal Declaraton of Human Rights, the U.N. Minimum Standards for the Treatment of Prisoners, and the International Convention on Civil and Political Rights.

Secretary General:

It is Indonesia's systematic disrespect for International Law and for U.N. resolutions (we think now of the Human Rights Commission's March statement) that has been the lastest source of suffering for the Timorese. Indonesia does not punish its torturers, it rewards them; it does not free the Timorese, it imprisones them; it does not facilitate access to Timor, but erects a wall of silence around it.

For these reasons, the international community and its representative organisations, particularly the UN, bear a heavy burden of responsibility. The Secretary General, mandated by the General Assembly (resolution 37/30, 1982), to user his good offices in the search for a global and internationally acceptable solution for East Timor, has special obligations. The gravity of the current situation in the territory requires adequate and urgent measures. A condescending attitude in the face of a Member State's prevarication creates a precedent and opens the doors to other similar situations in other parts of the globe.

We respectfully request, therefore, that you take all the steps possible, under the mandate with which you are invested, to bring about the release of Xanana Gusmão and the other Timorese in detention, the final objective being to promote the exercise of the right to self determination by the East Timorese people.

On behalf of The **"Freedom for Xanana, freedom for East Timor" Commission**

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